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UNITED STATES
CONSUMER PRODUCT SAFETY COMMISSION
BETHESDA, MD 20814

Memorandum

Date: October 8, 2008

TO : Manufacturers of Pool and Spa Drain Covers

FROM : Cheryl A. Falvey, General Counsel *C A F*

SUBJECT : "VGB 2008" Mark for Drain Covers¹

The Virginia Graeme Baker Pool and Spa Safety Act ("VGB Act") requires that, as of December 19, 2008, each swimming pool or spa drain cover manufactured, distributed, or entered into commerce in the United States conform to the entrapment protection standards of ASME/ANSI A112.19.8-2007.² The CPSC staff urges you to indicate that your product conforms to ASME/ANSI A112.19.8-2007, and is thus compliant with the drain cover provision of the VGB Act, by placing the mark "VGB 2008" on your compliant drain cover.

Pool and spa drain covers also need to be certified as part of a reasonable testing program. The Consumer Product Safety Improvement Act of 2008 mandates general conformity certification of drain covers beginning November 12, 2008, so that drain covers must be certified, based on a test of each product or upon a reasonable testing program, as compliant with the VGB Act. In addition, it is important to note that no label or packaging (or advertising) for a consumer product may contain a reference to a consumer product safety rule or a voluntary consumer product safety standard unless the product conforms to the applicable safety requirements of the rule or standard.³

¹ This document, which was prepared by CPSC staff, has not been reviewed or approved by and may not necessarily represent the views of the Commission.

² Section 1404(b), Public Law 110-140, 121 Stat. 1794 (December 19, 2007).

³ Section 14(d) of the Consumer Product Safety Act, 15 USC 2063(d); Section 103 of the Consumer Product Safety Improvement Act of 2008, Public Law 110-314, 122 Stat. 3016 (August 14, 2008).